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PATENT
Customer No. 22,852
Attorney Docket No. 02481.1707-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Bernward SCHÖLKENS et al.) Group Art Unit: 1614
)
Application No.: 10/694,001) Examiner: R. Henley III
)
Filed: October 28, 2003)
)
For: USE OF INHIBITORS OF THE)
RENIN-ANGIOTENSIN SYSTEM)
IN THE PREVENTION OF)
CARDIOVASCULAR EVENTS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Response to Restriction Requirement

This communication responds to the Office Action dated May 3, 2004.

The Office Action states that claims 1-15 are pending in this application, and requires restriction under 35 U.S.C. § 121 to one of the following two groups of inventions:

Group I: Claims 1-12 drawn to methods.

Group II: Claims 13-15 drawn to a combination product.

The Preliminary Amendment filed with this continuation application on October 28, 2003, canceled claims 1-15 and added new claims 16-70. Applicants enclose a copy of the Preliminary Amendment with this response. All of pending claims 16-70 are drawn to methods. No pending claims recite a combination product. The restriction requirement between methods and a combination product is moot as a result. To the extent that applicants must make an election to be responsive to the Office Action, applicants elect Group I drawn to methods. The claims in Group I would be claims 16-

70. To the extent that the restriction requirement could preclude the addition of claims to a combination product later in prosecution, applicants traverse the requirement because there should not be a serious burden on the Examiner to examine such additional combination product claims.


On page 3 of the Office Action, the Examiner requested that applicants elect a single disclosed species of the conditions recited in the method claims. Applicants elect myocardial infarction. The Examiner also requested that applicants elect a single additional active agent for claims that could include active agents recited in canceled claim 6. Applicants elect a cholesterol lowering agent. Applicants note that this active agent is optional; not required, in certain claims such as independent claim 16. Applicants traverse these two additional election requirements because there should not be a serious burden on the Examiner to examine the full scope of the pending method claims.

Please grant any extensions of time required to enter this Response to Restriction Requirement and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 19, 2004

By: 
Steven J. Scott
Reg. No. 43,911